

stock, while in the ownership or control of the Union Pacific Company or any corporation owned by it, or while held by any corporation or person for the Union Pacific Company, and forbids any transfer or disposition thereof in such wise as to continue its control, an absolute prohibition against the payment of dividends upon such stock while thus held, except to a receiver to be appointed by the court who shall control and hold such dividends until disposed of by decree of the court.

"As the court below dismissed the government's bill, it was unnecessary there to consider the disposition of the shares of stock acquired by the Union Pacific Company, which acquisition, we hold, constituted an unlawful combination in violation of the antitrust act. In order to effectually conclude the operating force of the combination, such disposition should be made subject to the approval and decree of the court, and any plan for the disposition of this stock must be such as to effectually dissolve the unlawful combination thus created. The court shall proceed, upon the presentation of any plan, to hear the government and defendants, and may bring in any additional parties whose presence may be necessary to a final disposition of the stock in conformity to the views herein expressed.

"As to the suggestion made at the oral argument by the Attorney-General as to the nature of the decree, that one must be entered which, while destroying the unlawful combination in so far as the Union Pacific secured control of the competing lines, extending from New Orleans and Galveston to San Francisco and Portland, would permit the Union Pacific to retain the Central Pacific connection from Ogden to San Francisco, and thereby to control that line to the coast, thus effecting such a continuity of the Union Pacific and Central Pacific from the Missouri River to San Francisco as was contemplated by the acts of Congress, under which they were constructed, it should be said that nothing herein shall be considered as preventing the government or any party in interest, if so desiring, from presenting to the court a plan for accomplishing this result, or as preventing the court from adopting and giving effect of any such plan so presented.

Given Three Months.

"Any plan or plans shall be presented to the court within the three months from the receipt of the mandate of this court, failing which or upon the rejection by the court of plans submitted within such time, the court shall proceed by receivership and sale, if necessary, to dispose of such stock in such wise as to dissolve such unlawful combination.

The government has appealed from the decree, which is a general one, dismissing the bill. So far as concerns the attempt to acquire the Northern Pacific stock and the stock of the Atchafalaya, Topeka and Santa Fe Railroad Company, after abandonment and a certain interest in the San Pedro, Los Angeles and Salt Lake Railroad Company and other features of the case dealt with and disposed of by the decree and opinion of the court below, it is sufficient, without going into these matters in detail, to say to them we find no reason to disturb the decree of the court below, but for the reasons stated the decree shall be reversed and one entered in conformity to the views herein expressed, so far as concerns the acquisition of the Southern Pacific stock.

The court instructed "the Circuit Court to retain its jurisdiction to see that the decree above outlined is made effectual."

History of Case.

The government's fight against the Union Pacific merger began in 1908. In that year Attorney-General Bismarck filed in the United States Circuit Court for Utah a petition to split the transcontinental railroads brought together by Edward H. Harriman. This powerful combination was alleged to be in violation of the Sherman antitrust law.

Harriman, Jacob H. Schiff, Otto H. Kahn, James Stillman, Henry H. Rogers, Henry C. Frick and William A. Clark were named by the government as the creators of the combination and the supporters of its existence. The allegations set forth in the petition stretched over the development of the entire nation and went far into the years of the past. Circuit Court Judges Sanborn, Van Devanter, Hook and Ad-

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New Websterian Dictionary of Webster's Dictionary or by their successors. It is the only entirely new compilation by the world's greatest authorities from leading universities; is bound in full Limp Leather, flexible, stamped in gold on back and sides, printed on Bible paper, with red edges and corners rounded; beautiful, strong, durable. Besides the general contents, there are maps and over 600 subjects beautifully illustrated by three-color plates, numerous subjects by monochrome, 16 pages of educational charts and the latest United States Census. Present at this office NOW only ONE Dictionary Coupon and the

The \$3.00 It is exactly the same as the \$1.00 book, except in the style of binding—which is in half leather, with gilt edges and corners. It is bound in cloth with square corners. ONE Dictionary Coupon and the

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Berry Suits for Men

\$15, \$20, \$25, \$35 and \$40

Garments that signify the highest standards of men's ready-for-service attire—though their prices are no more than those asked for clothes of commonplace character. A visit of inspection will be to your advantage.

Holiday House-Coats and Dressing Robes from London. Things that appeal to the most refined tastes.

St. Dunlop

ama were called to pass on the suit. The government's case was built largely around the purchase by the Union Pacific Railroad Company in 1901 and 1902 of 45 per cent of the stock of the Southern Pacific Company, referred to as ordinarily a controlling interest. The main line of the Union Pacific extended from Kansas City and Omaha to Ogden. By subsidiary companies it reached Portland, Ore., and thence by steamers, San Francisco and the Orient. The Southern Pacific had a line by sea and land from New York to San Francisco and Portland, by way of New Orleans, and owned the Central Pacific, extending from the terminus of the Union Pacific at Ogden to San Francisco.

Weighty Questions. Two weighty questions were presented by this phase of the case. The first was a question of law—Does the purchase outright by one railroad company of the controlling corporate stock of another result in a combination in violation of the Sherman antitrust law? No case seemed to Judge Hook reached the conclusion that since it had been decided in the Northern Securities case that the holding of the stock of two companies by a third was a violation of the law, therefore the holding by one of those two of the stock of the other must likewise be a violation. But Judges Adams, Van Devanter and Sanborn did not pass on this question because they decided the case against the government on the second question.

The second question was whether the Union Pacific and the Southern Pacific were competitors for business from Atlantic Seaboard and interior points of the country, on the one hand, to Portland, Ore.; on the other, between the Atlantic Seaboard, on the one hand, and Colorado and Utah common points on the other; between Portland on the one hand and Utah, Colorado and Nevada common points on the other; between San Francisco on one hand and Portland on the other; between San Francisco on the one hand and Montana and Idaho common points on the other; between New York and interior common points on the one hand and the Orient on the other.

In each of these subordinate complaints, the majority of the court found that the business of each of the railroads to the respective areas in question constituted so small a percentage of their total traffic that it would not be taken as a basis for a substantial restraint on interstate commerce.

Denounced by Judge Hook. The test which the majority applied in the test determining whether the railroads were competitors was denounced by Judge Hook as probably allowing the Union Pacific to purchase lawfully control of all the great parallel railroad systems of the United States.

Another complaint was addressed to the construction of the San Pedro, Los Angeles and Salt Lake Railroad Company. Defendant Clark and his associates started to build a road to connect Los Angeles and Salt Lake City, and so did the Union Pacific. Because of the alleged impracticability of constructing two lines through the canyon known as "Meadow Valley Wash," another road was built, the court found, each group of promoters taking one-half the stock. The entire court found nothing violative of the Sherman antitrust law in the Union Pacific's control of this road.

The government complained of the purchase by the Union Pacific of controlling stock in the Northern Pacific Company. The court declared it was only necessary to say the Union Pacific had sold that stock.

Still another complaint was the purchase in 1904 by Defendants Harriman, Rogers, Stillman, Schiff, Kahn and William Rockefeller of \$20,000,000 in face value of the stock of the Atchafalaya, Topeka and Santa Fe Railroad Company, and the investment in 1905 by the Union Pacific in 5 per cent of that stock. The court found no proof that any control was thus obtained over the rival Santa Fe. Thus, the government brought the case to the Supreme Court. Attorney-General Wickham, Frank R. Kellogg and Cordell A. Severance appeared for the government. A long list of attorneys, headed by P. F. Dunne, of San Francisco, and N. H. Leonard, of Omaha, represented the defendants.

Invitations Issued. (Special to The Times-Dispatch.)—Fredericksburg, Va., December 2.—Mr. and Mrs. David E. Douglas, of Westmoreland County, have issued cards for the marriage of their daughter, Miss Maud Virginia Douglas, to Geo. M. Deland, of Warsaw, the ceremony to take place December 4, at 7:30 o'clock, at Ebenezer M. E. Church, in Westmoreland County.

WANTS HOUSING CONGRESS HERE

Chamber Sends Business Manager Dabney to Annual Conference in Philadelphia.

CITIES TAKING UP CRUSADE

Local Agitation for Better Workmen's Homes in Line With Action of Big Cities.

Business Manager W. T. Dabney, of the Chamber of Commerce, will leave to-night for Philadelphia to attend the second National Conference on Housing in America, which convenes in Philadelphia to-morrow for a three days' session. His attendance upon the deliberations of this body is in line with the recently announced Chamber of Commerce campaign for the annexation of adjacent suburban areas to be developed as home sites for working men.

"It is the purpose of the Chamber," said Mr. Dabney yesterday, to gather all the information possible on this subject, so that we may follow the most approved methods. We shall make an effort to have the City Council send one or two representatives to this meeting. It is the foremost body of its kind in the country, and the Council could not do a more progressive thing at this time than to send a delegate to the convention.

"If I find that the discussions bear upon problems which now confront Richmond, I shall make a special effort to secure the next convention of the association for this city. I think it would prove of inestimable value to Richmond, particularly at this time.

Cities Taking Up Crusade. Richmond is not alone in the housing crusade. A few years ago the Cleveland Chamber of Commerce found it necessary to take up actively the question of the housing of the working people. The Indianapolis Commercial Club soon took up the same work, as did also the Chambers of Commerce of Albany and Pittsburgh. More recently the Chicago Association of Commerce has established a housing department with a paid executive to do active work in this field.

Philadelphia has been selected as the place for its conference by the National Housing Association, because it believes that the Quaker City has more to show the housing workers of the country in the direction of constructive effort than any other American city. In its multitude of small houses, the absence of tenements, its economical lot units, its system of minor streets, and its Octavia Hill Association for relieving the older houses, Philadelphia stands unique.

The conference will be held at the Bellevue-Stratford Hotel, and will be presided over by Robert W. De Forest, of New York, president of the National Housing Association. The discussions will cover practically every feature of the housing problem, and will touch upon many phases of the problem, attracting the attention of Richmond.

WOMAN FORFEITS BOND. Not Having Private Bath Installed in Jail Before Beginning Sentence. Bristol, Va., December 2.—Virgie Wise, one of five women sentenced to jail for conducting certain resorts here, having lost in her effort to secure a writ of error from the Supreme Court, has now normally forfeited her bond of \$1,000 by her failure to appear. It is understood she is deciding whether she will go to jail or do as the other four women, who were sentenced to jail, rather than serve the jail sentence.

Benefited Many Who Had Lung Trouble

Those who suffer from Consumption are generally troubled with night sweats, fever, loss of appetite and loss of weight. The body is essential to a recovery, but in many cases something more is needed. Eckman's Alternative is a medicine which has been most successful in stopping night sweats, reducing fever and promoting appetite. It is a consumptive's friend. Investigate what it did in this case.

"Gentlemen: For four years I was troubled with cough, which gradually became worse. I had night sweats and pains in my chest. I was losing my appetite and had become so thin and weak I could not attend to my household duties. A physician pronounced my case Consumption. Not being satisfied, I was examined by the physicians of the Polytechnic Hospital, which was proven later by an examination of my sputum, as Tuberculosis Bacilli was found. I was ordered to a Consumptive Hospital. My nephew would not allow me to go until I had tried Eckman's Alternative. Before I had taken the medicine three weeks, the night sweats ceased, the cough was gone, my appetite was restored, and I was able to resume my household duties. I am in excellent health now and have been completely cured for ten years. I strongly recommend it."

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No matter whom you want to remember, or how much you have to spend—HERE you'll find the RIGHT gift at the RIGHT price. Every piece has that distinction of design and impressiveness of quality which reflect the greatest credit upon the giver. You find this

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J. S. JAMES,

Incorporated
The Diamond Merchant,
Corner of Seventh and Main Streets,
Richmond, Va.



News of South Richmond

CIRCULATE PETITIONS

Want Aldermen to Concur With Lower Branch on R. & H. Franchise.

Petitions asking the Aldermen representing Madison Ward in the City Council to vote to concur in an ordinance recently passed by the lower branch granting a light and power franchise to the Richmond and Henric Railroad Company have been circulated throughout the Southside during the past few days. The signatures of several hundred voters were affixed to the paper. Many, however, refused to sign the petition.

The South Richmonders are in the peculiar position of wanting something and having no place to put it. Two car lines now traverse the Southside, and even with a competitive company would get the cream of the business because of the narrowness of this portion of the city. Oak Grove and Swansboro are neither large enough to make a new line pay. For lighting purposes the Southsiders have no complaint. In addition to well lighted streets, the homes are well taken care of. The majority of the houses, which are manufactured in the local plant. Those who use electricity have few complaints.

Ready Transfers Recorded. The following deeds of bargain and sale were offered for registration in the office of Clerk Walter E. Duval of Hustings Court, Part 2, yesterday: J. H. Patterson and Jesse A. Davis, trustees, to Miss May Rollin, two parcels of property, thirty-three feet on the north line of Porter Street, between Eighth and Ninth, with improvements thereon; eighteen feet on the west line of Eighth Street, between Porter and Perry, with improvements thereon. This property is a portion of the estate of the late W. S. Rollin, which was left in trust until his daughter reached her majority. The consideration mentioned in the deed was \$1.

Trial is Continued. Another continuance in the case of Dillard Kierson, a young white man charged with non-support, occurred yesterday in Police Court, Part II, owing to the absence of Mrs. Kierson, who was needed as a witness. The hearing was postponed until this morning. Three negroes, Scott McCargo, Richard Woolridge and Walter MacMahon, charged with shooting crap, were granted a continuance until this morning. Claude Jones, charged with being drunk and unable to care for himself, was fined \$50 and costs by Justice H. A. Maurice.

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SALES GIRL SELLS CHRISTMAS SEALS

Her Family Ravaged by Consumption—Boys in Roanoke Help in Work.

The announcement that a busy school girl in one of Richmond's department stores and a company of schoolboys in Roanoke are the leading agents for the sale of Red Cross Christmas seals proved an inspiration yesterday to the army now selling these Christmas tokens.

In Richmond, it develops, one of the department stores kept calling for seals from headquarters in a manner that mystified those in charge. The store was a large one, but its clerks were all busy, and there was no explanation for such a sale as was indicated. Inquiry developed the fact that one of the saleswomen in a busy department was responsible for the big demand for seals. When asked why she was so interested in the sale, she told, in simple phrases, how her family had been broken up by consumption, and how the ravages of the disease were responsible for financial loss, sorrow and suffering. "I told our manager about it," she said, "and asked him if I could remind the shoppers of the seals. He said I could, and whenever anybody buys one of me I tell them the seals can be bought at the jewelry counter, and somehow they just buy. Most people only want to be reminded of what the seals mean. Of course, I do all I can to help. I know what consumption means."

From Roanoke is reported a story almost as appealing. For a number of years the sale in that city has been in charge of a committee of the Free Medical Dispensary Board, and the ladies devised a plan of interesting the school children. All of the pupils of the schools were told what the seals meant and were urged to compete for the prizes offered to the children selling the largest number of seals. As a result, a company of boys agreed to sell the seals, and can now be seen every afternoon making a regular canvass of the city. Reports are that this sacrifice of their playtime is bringing many dollars into the exchequer of the dispensary.

"With the children and the salesgirls at work," said a member of the local committee yesterday, "we are hoping for a sale that will put Virginia in the front rank of antituberculosis leaders. Our needs are greater every day, and the demands on us are more pressing. We are hoping that everybody will use the seals."

Forgery Cases Continued. The cases of Henry Clayton and S. D. Anthony, alias W. M. Burns, held by the police as suspicious characters, suspected of having committed forgery, were continued yesterday morning in Police Court until December 15.

FATIMA, Turkish Blend—all quality and no frills. Simple in package—reasonable in price—20 for 15 cents. "Distinctively individual".

Liggett & Myers Tobacco Co.

